ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
WhatsApp, LLC v. Gul Rehman Khan
Case No. D2026-0027

1. The Parties

The Complainant is WhatsApp, LLC, United States of America ("United States"), represented by Perkins Coie LLP, United States.

The Respondent is Gul Rehman Khan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <tmwhatsy.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 6, 2026. On January 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 3, 2026.

The Center appointed Andrea Mondini as the sole panelist in this matter on February 6, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, WhatsApp LLC, operates the WhatsApp world-wide mobile messaging and voice-over-IP service and mobile application. The Complainant was founded in 2009 and was acquired by Facebook, Inc (now Meta) in 2014. Today WhatsApp is one of the leading mobile messaging applications, with more than 2 billion users in over 180 countries.

The Complainant holds several domain names containing the WHATSAPP trademark, among them <whatsapp.com> which hosts its main website.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE
WHATSAPP	European Union	009986514	October 25, 2011
WHATS	European Union	017923676	March 8, 2019
WHATSAPP	International Registration	1085539	May 24, 2011
WHATSAPP	Pakistan	462051	March 3, 2020
	International Registration	1109890	January 10, 2012

Because the Respondent did not file a Response, not much is known about the Respondent.

The disputed domain name was registered on February 7, 2024.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a website purporting to offer an unauthorized "TM WHATSAPP APK" version of the Complainant's WhatsApp application while prominently using the Complainant's trademarks. The acronym "APK" commonly stands for "Android Application Package Kit".

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends as follows:

The disputed domain name wholly incorporates the WHATS trademark and the dominant part of the WHATSAPP trademark in which the Complainant has rights, and the addition of the letters "T" and "M" at the beginning and "Y" at the end, is not sufficient to avoid confusing similarity with the Complainant's WHATS mark which is clearly recognizable in the disputed domain name.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.
The trademark WHATSAPP has been extensively used to identify the Complainant and its services.
The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, has not acquired nor applied for a trademark registration for "TM Whatsy" or any variation thereof, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the Respondent's website purports to offer an unauthorized modified APK version of the Complainant's WhatsApp application, with additional features that are not offered on the Complainant's WhatsApp application. The Respondent's website makes prominent use of the Complainant's WHATSAPP trademark

and replicates the iconic green logo to achieve a similar look and feel. All these elements are likely to confuse users into believing that the disputed domain name is operated by, approved or affiliated with the Complainant. The Respondent's use of the disputed domain name does not comply with the WhatsApp brand assets and guidelines.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademarks at the time it registered the disputed domain name. The Respondent's intent to target the Complainant when registering the disputed domain name may be inferred from the contents of the Respondent's website, which makes explicit reference to the Complainant's WHATSAPP trademarks.

The Respondent is using the disputed domain name in bad faith, by intentionally attempting to attract Internet users to its website for financial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Moreover, the disputed domain name has been flagged by at least one independent cybersecurity vendor as being malicious in connection with malware.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

(i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the entirety of the WHATS mark is reproduced within the disputed domain name. Although the addition of other elements, such as here the letters "TM" at the beginning and "Y" at the end of the disputed domain name may bear on assessment of the second and third elements, the Panel finds that in the present case the addition of these letters does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is viewed as a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). WIPO Overview 3.0, section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that for a complainant to prove that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.0, section 2.1.

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Prior UDRP panels have recognized that service providers using a domain name that contains a third-party trademark may be making a bona fide offering of goods or services and thus have a legitimate interest in such domain name. Whether or not this is the case is typically assessed based on the factors listed in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, and WIPO Overview 3.0, section 2.8:

(i) the respondent must actually be offering the goods or services at issue;
(ii) the respondent must use the site to sell only the trademarked goods or services;
(iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
(iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

The Panel notes that the Respondent's website purports to offer for download, an unauthorized modified APK version of the Complainant's WhatsApp application. As such, the Respondent cannot be said to be using the Respondent's website to actually offer the goods or services at issue, namely the original WhatsApp application.

Furthermore, the Respondent's website does not prominently disclose its lack of relationship with the Complainant. Considering the prominent use of the Complainant's trademarks and of a similar logo and color scheme on the Respondent's site and the fact that the Respondent does not actually offer the Complainant's services (but an unauthorized modified APK version thereof), the Panel finds the Respondent has not met the requirements set out in the above-mentioned *Oki Data* decision.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.0, section 3.2.1.

In the view of the Panel, noting that that the Complainant's trademark predates the registration of the disputed domain name and considering that the Complainant's trademark is well-known and that the

disputed domain name resolves to a website featuring the Complainant's trademarks and references to its services, it is clear that the Respondent targeted the Complainant when it registered the disputed domain name. In the circumstances of this case, this is evidence of registration in bad faith.

The Panel holds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites in the sense of Policy, paragraph 4(b)(iv). Moreover, the fact that the disputed domain name has been flagged by at least one independent cybersecurity vendor as being malicious in connection with malware is further evidence of use in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <tmwhatsy.com> be transferred to the Complainant.

/Andrea Mondini/
Andrea Mondini
Sole Panelist
Date: February 12, 2026